

Adopted	Rejected
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## COMMITTEE REPORT

YES:	7
NO:	3

### MR. SPEAKER:

*Your Committee on* Local Government, to which was referred Senate Bill 244, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1       Page 1, line 1, delete "IC 5-28" and insert "IC 5-30".
- 2       Page 1, line 4, delete "28" and insert "30".
- 3       Page 3, line 21, delete "IC 5-28-4." and insert "**IC 5-30-4. The**
- 4       **governing body must adopt the resolution at a public meeting for**
- 5       **which public notice has been provided."**
- 6       Page 4, line 6, delete ":" and insert ", **but not more than one (1)**
- 7       **under each clause:"**.
- 8       Page 4, delete line 8.
- 9       Page 4, line 9, delete "(C)" and insert "**(B)**".
- 10      Page 4, line 10, delete "(D)" and insert "**(C)**".
- 11      Page 4, line 12, delete ", a landscape architect,".
- 12      Page 4, between lines 28 and 29, begin a new paragraph and insert:
- 13      "**(c) Each member of the technical review committee must**
- 14      **certify for each request for proposals that there is not a conflict of**
- 15      **interest between the member and the design-builder responding to**
- 16      **the request for proposals. If a conflict of interest exists, the member**

- 1       **must be replaced before the review of any proposal."**
- 2       Page 4, line 31, delete "IC 5-28-5" and insert "**IC 5-30-5**".
- 3       Page 4, line 33, delete "IC 5-28-6 and IC 5-28-7." and insert "**IC**
- 4       **5-30-6 and IC 5-30-7."**
- 5       Page 4, line 42, delete "IC 5-28-2-2," and insert "**IC 5-30-2-2,**".
- 6       Page 5, line 1, after "IC 5-3-1." insert "**The notice must allow at**
- 7       **least thirty (30) days for potential design-builders to respond to the**
- 8       **request for qualifications."**
- 9       Page 5, line 26, delete "and".
- 10      Page 5, line 27, delete "." and insert "; **and**
- 11      **(H) experience in dealing with bonding authorities."**
- 12      Page 6, delete lines 32 through 35, begin a new line block indented
- 13      and insert:
- 14      **"(5) The experience modifier rate, the United States**
- 15      **Occupational Safety and Health Administration total**
- 16      **recordable case incident rate (TCIR) and days away,**
- 17      **restricted or transferred case incident rate (DART) for the**
- 18      **design-builder and each design build team, and the average**
- 19      **United States Occupational Safety and Health Administration**
- 20      **TCIR and DART rates for the industrial classification of the**
- 21      **design-builder and each design-build team."**
- 22      Page 6, line 37, after "services" insert ", **including the employees**
- 23      **of all subcontractors,"**.
- 24      Page 6, line 38, delete "enrolling" and insert "**enrolled**".
- 25      Page 6, line 38, after "the" insert "**United States Department of**
- 26      **Labor"**.
- 27      Page 6, line 39, delete "Federal".
- 28      Page 6, line 39, after "Apprenticeship" insert "**and**".
- 29      Page 6, delete lines 40 through 42, begin a new line block indented
- 30      and insert:
- 31      **"(7) Information regarding any prior serious, repeat, willful,**
- 32      **or criminal violation of the federal Occupational Safety and**
- 33      **Health Act of 1970 and any equivalent violation under a state**
- 34      **plan authorized under Section 18 of the federal act that has**
- 35      **become a final order."**
- 36      Page 7, delete lines 1 through 2.
- 37      Page 7, line 28, delete "and not more than five (5)".
- 38      Page 8, line 7, delete "IC 5-28-6." and insert "**IC 5-30-6. The**

- 1 **governing body must adopt the resolution at a public meeting for**  
 2 **which public notice has been provided."**
- 3 Page 8, line 10, delete "IC 5-28-5-6." and insert "**IC 5-30-5-6.**".
- 4 Page 8, line 28, delete "Conceptual" and insert "**Preliminary**".
- 5 Page 9, between lines 8 and 9, begin a new line block indented and  
 6 insert:  
 7 **"(5) A determination of the common construction wage made**  
 8 **under IC 5-16-7."**
- 9 Page 9, line 9, delete "(5)" and insert "**(6)**".
- 10 Page 9, line 20, delete "IC 5-28-6" and insert "**IC 5-30-6**".
- 11 Page 9, line 27, after "construction services" insert ", **including any**  
 12 **subcontractors,**".
- 13 Page 9, line 42, delete "." insert "**and administrative**  
 14 **requirements."**
- 15 Page 11, line 7, delete "IC 5-28-7-1(2)" and insert "**IC 5-30-7-1(2)**".
- 16 Page 11, line 11, delete "." and insert "**and a written determination**  
 17 **by the public agency that a legitimate reason exists for the**  
 18 **replacement."**
- 19 Page 11, line 13, after "of" insert "**or may terminate**".
- 20 Page 11, after line 34, begin a new paragraph and insert:  
 21 "**Sec. 6. (a) A determination under IC 5-16-7-1(c) for a public**  
 22 **project to be constructed under a design-build contract shall be**  
 23 **made and filed with the public agency at least two (2) weeks before**  
 24 **the date fixed for submission of the qualitative proposal and the**  
 25 **price proposal under IC 5-30-6-5.**
- 26 **(b) If the committee appointed under IC 5-16-7-1(b) fails to act**  
 27 **and to file a determination under IC 5-16-7-1(c) within the time**  
 28 **required by this section, the public agency shall make the**  
 29 **determination, and its finding shall be final.**
- 30 **(c) The time periods set forth in this section apply to any**

1        **construction services provided for a public project to be**  
2        **constructed under a design-build contract, instead of the time**  
3        **periods set forth in IC 5-16-7-1(f) and IC 5-16-7-1(g).".**

(Reference is to SB 244 as printed February 18, 2005.)

**and when so amended that said bill do pass.**

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Representative Hinkle